

RESOLUTION NO. 2020-084

**RESOLUTION TO RESOLVE THREE OUTSTANDING DEEDS RELATED TO
THE RAPID CITY INDIAN BOARDING SCHOOL LANDS**

WHEREAS, the federal government created and ran a series of boarding schools throughout the United States in an attempt to assimilate Native American children from the mid 1800s to the 1960s – including the Rapid City Indian Boarding School (“the Boarding School”) from the 1890s-1930s, and

WHEREAS, in the late 1890s the United States federal government purchased 1200+ acres extending from what is now Mt. View Road to Canyon Lake Park on the west side of Rapid City to create the Rapid City Indian Boarding School (“the Boarding School”); and

WHEREAS, the U.S. government took children from as far away as North Dakota, Montana, and Wyoming to the school, but most of the children were Lakotas brought from the Pine Ridge Reservation, the Rosebud Reservation, and the Cheyenne River Reservation, which are home to the three tribal Nations closest to Rapid City; and

WHEREAS, many Native American families came to Rapid City to be near their children and many of the Native people still living in Rapid City today are descendants of these children and their families; and

WHEREAS, when the federal government cut back some of the boarding schools during the Great Depression, the school was transitioned into a tuberculosis hospital for Native American patients (1930s-1960s) and then in the 1960s to a permanent Indian Health Services clinic, and

WHEREAS, in the late 1940s the City of Rapid City, the Rapid City School District, the Chamber of Commerce, the National Guard, and local churches lobbied Congress to gain access to the 1200+ acres of land belonging to the Rapid City Indian Boarding School, and

WHEREAS, Congress passed a law in 1948 (“the Act” or “Act of 1948”) allowing the Department of Interior - Bureau of Indian Affairs (“DOI-BIA”), to dispose of the 1200+ acres in three ways:

- (1) Governmental Entities: to gift the land for free to the governmental entities of the City of Rapid City, the Rapid City Area School District, or the South Dakota National Guard, subject to a “reversion clause” declaring that any land deeded under the 1948 Act would be returned to the DOI-BIA when no longer used for municipal, educational, or National Guard-related purposes; and
- (2) Religious Organizations: to sell the land to churches for “religious purposes,” at “reasonable value;” and
- (3) Needy Indians: to use or exchange the lands for the benefit of “needy Indians”—a term of art used at the time to refer to disadvantaged Native Americans; and

WHEREAS, the following is a summary of the land parcels which were gifted under the governmental entities' category:

- City of Rapid City: received two parcel allocations, one parcel (approximately 207 acres) which became known primarily as "Sioux Park," and another parcel (approximately 40 acres) which became known as "West Middle School;" and
- Rapid City Area School District: received three parcels, one which became Canyon Lake Elementary School, one which became Stevens High School, and another for a school maintenance facility, and
- National Guard: received approximately 600 acres for its current training facility, and

WHEREAS, under the Religious Organization provision, approximately 9 churches purchased approximately 200 acres contained in 13 different lots, 6 lots of which the churches resold, and

WHEREAS, no parcels or acreages were designated for the use or exchange of land for "needy Indians," despite repeated requests by the Native community over the course of several decades, including repeated inquiries into why none of the lands had ever been allocated to them; and

WHEREAS, this resolution addresses three specific parcels that were originally gifted to either the City or the School District under the government entity provision, that currently have non-municipal or non-educational occupants:

Parcel A1

Recipient: City of Rapid City (July 15, 1949)
Restriction: "The title to the land thus conveyed shall revert to the United States of America when the land is no longer used for municipal purposes."
Current Occupant: Monument Health–Behavioral Health Center, a private nonprofit organization

Parcel A2

Recipient: City of Rapid City (July 15, 1949)
Restriction: "The title to the land thus conveyed shall revert to the United States of America when the land is no longer used for municipal purposes."
Current Occupant: Clarkson Health Care–Westhills Village, a private religious nonprofit organization

Parcel B

Recipient: Rapid City Area School District (July 9, 1964)
Restriction: "The title to the land thus conveyed shall revert to the United States of America when the land is no longer used for educational purposes."

Current Occupant: Canyon Lake Activity Center (“Canyon Lake Senior Center”), a private nonprofit organization (March 21, 2005, the RCAS transferred this property by Quit Claim Deed)

WHEREAS, parcels A1, A2, and B, upon which the above mentioned nonprofit organizations are located, were originally gifted to the City of Rapid City and the Rapid City Area School District, and are subject to the reversion clause when they are no longer being used for “municipal” or “educational” purposes respectively, under the 1948 Act; and

WHEREAS, there are no records indicating any payments or rentals by the current occupants of Parcels A1, A2, and B; and

WHEREAS, the DOI-BIA retains the reversion rights to the parcels gifted to the City of Rapid City and the Rapid City Area School District; and

WHEREAS, the concept of “adverse possession” is inapplicable regarding federal land rights; and

WHEREAS, the DOI-BIA sent a letter to the Rapid City Area School District and the City of Rapid City, dated July 13, 2017, stating that these three parcels are now “subject to reversion to Department of Interior – Bureau of Indian Affairs (DOI-BIA) because they are no longer being utilized for the deeded purposes;” and

WHEREAS, Native community members have indicated strong interest in these three parcels reverting to the DOI-BIA thus triggering their eligibility for use under the “needy Indians” provision, and providing the opportunity to transform the three existing buildings into a Native American Community Center (Canyon Lake Senior/Activities Center), a Native Assisted Living Facility (Clarkson Health Care–Westhills Village), and a Tribal Health Treatment Facility (Monument Health Behavioral Health Center); and

WHEREAS, the current occupants of A1, A2, and B, Monument Health Behavioral Health Center, Clarkson Health Care–Westhills Village, and the Canyon Lake Senior/Activities Center, have indicated that they do not wish that the land upon which they are located revert to the federal government, since that transaction would cause them great expense and inconvenience; and

WHEREAS, the Rapid City Area School District received Parcel B under the 1948 Act, and the Rapid City Area School District transferred the land to the Canyon Lake Senior/Activities Center, on March 21, 2005, and the Rapid City Area School District has not engaged to assist the Canyon Lake Senior/Activities Center to help resolve the issues related to the land upon which the Canyon Lake Senior/Activities Center is located, leaving the Canyon Lake Senior/Activities Center to turn to the City of Rapid City for assistance concomitant to the resolution related to Parcels A1 and A2; and

WHEREAS, in its letter to the School District and the City, dated July 13, 2017, the DOI-BIA also encouraged the local Native community, the City of Rapid City, and the Rapid City Area

School District to find a “creative solution that helps rectify these deed violations and this historical imbalance;” and

WHEREAS, rather than completing the execution of the reversion clause of the 1948 Act, all parties prefer a creative solution rooted in a land exchange that could allow the current occupants of Parcels A1, A2, and B to remain on that land while rectifying the inequities related to the lack of “needy Indian” receipt of land under the 1948 Act and to honor 70 years of Native community requests for use of the lands; and

WHEREAS, the Office of the Mayor of Rapid City contracted for a formal appraisal of Parcels A1, A2, and B which found the land values combined with the replacement value of the buildings to the current occupants to rebuild elsewhere to be approximately twenty million dollars; and

WHEREAS, under the Act of 1948, the only other alternative to reversion appears to be the “needy Indian” provision, which allows the DOI-BIA to “exchange” any of the Rapid City Indian Boarding School lands for “other lands in or near Rapid City” for the use of “needy Indians;” and

WHEREAS, the Native American community in Rapid City submitted numerous requests for the 1200+ acres, including for museums, powwow grounds, and housing - with the most reoccurring request being a gathering place, an Indian community center; and

WHEREAS, these historical requests for a gathering place were reaffirmed when the members of the Rapid City Indian Boarding School Lands Project, a group of volunteer researchers and advocates, conducted a series of in-person listening sessions and surveys (including remote online voting) among the Native community between 2017 and 2019, during which 76% of respondents overwhelmingly chose a Native American Community Center as their first or second choice; and

WHEREAS, many members of the Native community have indicated that they want to ensure that any Native American Community Center has a reliable source of income for operating expenses and is not wholly dependent on grants or government subsidy; and

WHEREAS, during the surveys held between 2017 and 2019, respondents chose to create a Community Development Corporation that would generate revenue to support the Native American Community Center through three entrepreneurial or industrial arenas: (1) Housing, (2) a Hotel/Convention Center, and (3) a Tourism/Native Arts/Museum.

NOW THEREFORE, BE IT RESOLVED, the Rapid City Common Council seeks to be responsive to the Department of Interior - Bureau of Indian Affairs’ letter dated July 13, 2017, and to find resolution to the questions surrounding the occupation of the three parcels herein labeled Parcel A1, A2, and B and rectify any potential deed violations; and

BE IT FURTHER RESOLVED, as the current occupants of Parcels A1, A2, and B have indicated they do not wish to have their parcels revert to the DOI-BIA, the Rapid City Common

Council supports a creative solution whereby Parcels A1, A2, and B are exchanged “for other lands in or near Rapid City” for the use of “needy Indians;” and

BE IT FURTHER RESOLVED, that the Mayor of Rapid City and the Rapid City Common Council will work with Native American community members and the Rapid City Indian Boarding School Lands Project to devise and present a draft plan in the next six months which entails land exchanges and financial investments which, when combined, equal the value of the land and buildings for Parcels A1, A2, and B of twenty million dollars; and

BE IT FURTHER RESOLVED, that this plan will focus on the end goal of building a Rapid City Native American Community Center and capitalizing a Rapid City Native American Development Corporation which will generate revenue to support the Native American Community Center; and

BE IT FURTHER RESOLVED, that the plan will be presented to the Department of Interior – Bureau of Indian affairs for consideration and approval of the land exchange portion of the plan in order to obtain clean title to Parcels A1, A2, and B; and

BE IT FURTHER RESOLVED, that the Mayor of Rapid City and the Rapid City Common Council shall make a good faith attempt to engage the Rapid City Area School District, Monument Health Behavioral Health Center, Clarkson Health Care–Westhills Village, and the Canyon Lake Activities Center to help secure financial and other support and assistance with regard to resolving the land exchange; and

BE IT FURTHER RESOLVED, this resolution and the plan it describes are limited to resolving only the three parcels explicitly referenced herein; and

BE IT FINALLY RESOLVED, by the Common Council of the City of Rapid City that the Mayor of Rapid City is authorized to lead our City’s efforts to meet the goals and parameters laid out in this resolution.

Dated this _____ day of _____, 2020.

CITY OF RAPID CITY

Mayor

Attest

Finance Officer
(SEAL)